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Summary record of the 3154th meeting
Held at the Palais Wilson, Geneva, on Friday, 27 March 2015, at 3 p.m.

Chairperson: Mr. Salvioli

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The meeting was called to order at 3.05 p.m.

Organizational and other matters

Draft general comment No. 36 (CCPR/C/GC/R.36)

1. **The Chairperson**, reminding participants that the Committee had decided in October 2014 to begin work on a new general comment on the right to life to replace an outdated version, invited the co-rapporteurs to present the draft general comment No. 36.

2. **Mr. Shany** (Rapporteur for general comment No. 36), reviewing the drafting and consultation process, said that the intention was to make it as transparent as possible by inviting civil society and academia to share their views at a half-day of discussion to be held at the next session in July 2015. In the meantime, they had begun a thorough review and cataloguing of the Committee's relevant decisions and views as well as those of other United Nations and non-United Nations entities. Drawing the Committee's attention to paragraph 4, he said that they had deliberately cast a wide net and that the purpose at that stage was to lay out a discussion agenda for the July meeting.

3. **Sir Nigel Rodley** (Rapporteur for general comment No. 36) said he recalled that there had been State party representatives present at the consultations held regarding general comment No. 35. He invited the Committee members to comment on whether the document constituted a suitable outline for the discussion in July and whether there were any issues that they felt strongly should be included or removed.

4. **Ms. Seibert-Fohr** said that the Committee should review all its jurisprudence before it decided whether or not to include an issue in the general comment. Supported by **Mr. Iwasawa**, **Mr. Vardzelashvili** and **Ms. Waterval**, she also said that the Committee should consider carefully whether or not to refer to concluding observations lest it should be bound by what were designed to be State party-specific recommendations.

5. **Mr. Iwasawa**, pointing out that States parties were not mentioned in paragraph 3 regarding the half-day of discussion, asked whether they were in fact excluded.

6. **Mr. Ben Achour** said that he was not against using the draft as the outline of the future general comment; however, he would invert sections A and B, in other words, begin with the general issues, to be followed by the technical analysis. Recalling that the purpose of general comments was to guide Governments and the judiciary, he cautioned against being overly academic and not sufficiently practical. In that connection, he wondered whether the general comment was the right medium for raising issues, such as those mentioned in paragraphs 5 (c) and (d), which could lead the Committee down the path of never-ending cultural debates. Turning to editorial matters, he urged the drafters to use Roman numerals correctly as the current format was difficult to read.

7. **Mr. Rodríguez-Rescia** said that the Committee should not limit the number of issues at that stage but rather do so as discussions progressed. Pointing out that there were two types of States parties, namely those that were and those that were not also parties to the Optional Protocol, he said that if the Committee based itself solely on its jurisprudence then it would in effect be addressing only those States that had accepted the communications procedure. Citing concluding observations in the general comment would be a means of systematizing them. Referring to Mr. Ben Achour's comment, he said that issues like in vitro fertilization were not philosophical points; they were very real issues that related directly to the right to the family and the right to life. He suggested the inclusion of the notion of life plans.

8. **Mr. Vardzelashvili** asked what the rapporteurs' view was on referencing concluding observations, since the Committee did not have extensive jurisprudence on issues such as the right to die and frozen embryos. Should the general comment only reflect

existing views or also open the door for discussions of an abstract nature? Perhaps it was enough to simply state that a given issue might fall under article 6 of the Covenant?

9. **Mr. Politi** said that he supported the suggestion to invert sections A and B and asked what other opportunities the Committee members would have to comment on the draft after the half-day of discussion.

10. **The Chairperson** reminded the Committee members that they were merely at the beginning of what would be a very long path to the adoption of the general comment; therefore, there was no need to make any rushed decisions that day.

11. **Ms. Waterval**, supported by **Mr. Muhumuza**, asked how the Committee would ensure that all States parties, including those without representation in Geneva, were able to participate in the consultations.

12. **Mr. Bouzid** suggested that a paragraph should be included from the outset, clearly listing the various sources used in the general comment.

13. **Ms. Cleveland** pointed out that many countries, some of which were also the world's worst violators of the right to life, paid heed only to the Committee's concluding observations. She said that a blanket exclusion of the concluding observations would deprive the Committee of useful examples and of an audience from countries that were not subject to the communications procedure.

14. **Mr. Seetulsingh**, recalling that the States parties had been highly involved during the preparation of general comment No. 35, said he was confident that they would manage to submit their views regardless of their location.

15. **Mr. Ben Achour**, returning to his earlier point, said he thought the Committee should choose the issues it would cover carefully, not because they were not real, but because they were polemical, bearing in mind that the Committee could not afford to launch into complex debates.

16. **Mr. Iwasawa** recalled that the Committee's decisions regarding individual communications were legal findings and were not restricted to the parties to the Optional Protocol, whereas the recommendations contained in concluding observations were not based strictly on the law. Therefore, caution was warranted to avoid making recommendations binding by incorporating concluding observations in the general comment.

17. **The Chairperson** recalled that all the concluding observations were based on articles of the Covenant; otherwise the Committee would be exceeding its mandate. He said that the Committee should not restrict itself in the general comment; the work of the members should be not only to list issues, but also to define criteria and provide guidance. If the issues being discussed were merely academic in nature, there would not have been such considerable State party participation during the preparation of general comment No. 35. The States parties were not formally invited to the half-day of discussion because they would have other opportunities to submit their views later on in the process.

18. **Mr. Ben Achour** asked how States parties had been involved in drafting general comment No. 35.

19. **Ms. Fox** (Secretariat) said that States parties had been asked to submit written suggestions regarding draft general comment No. 35 following its first reading, rather than attend the half-day of discussion with NGOs, although delegations from some States parties had attended that meeting despite not being invited. The Committee had decided that it was more useful for NGOs to be consulted on the draft initially and for States parties to comment on the completed draft subsequently.

20. **Sir Nigel Rodley** said that while States parties were not excluded from the consultation with civil society, they were consulted primarily after the first reading, once they had received the text and made suggestions. Those suggestions could then be accepted or rejected by the Committee, which was entirely responsible for the general comment. Definitive decisions on the general comment's content were not necessary at that stage; opinions from Committee members were welcome, but it would not be their last opportunity to share them. A first draft of the general comment would be produced and analysed in detail by the Committee following the consultation to be held that July. It would then be circulated to all stakeholders, including States parties, and the Committee would undertake a second reading in the light of the responses received.

21. Judgements of the International Court of Justice demonstrated that the Committee's concluding observations did not hold the same authority as its views and general comments, although they remained a valuable source of information on the Committee's opinions and indicated the type of subjects it broached, like abortion and euthanasia. Such matters could not be ignored and it was necessary to identify language that accurately expressed the Committee's opinions.

22. A more legible way of setting out the subparagraphs was required. Section B contained miscellaneous issues that did not share the same level of general importance; consideration would be given to presenting them at the start of the document. It would be interesting to discover whether there was a remedy similar to the project mentioned by Mr. Rodríguez-Rescia that was applicable to article 6 of the Covenant. Lastly, the Committee should consider not only its own output, but also the practice of States parties and *travaux préparatoires*.

23. **The Chairperson** said that it should be emphasized that the Committee's concluding observations were the result of a long and detailed process.

24. **Mr. Shany** said that all comments made by the Committee were valuable and would be given full consideration. The general comment should reflect the views of the Committee as a whole, and paragraph 2 alluded to the fact that it was based on experience obtained during consideration of reports submitted by States parties, communications and previous general comments. Nevertheless, he agreed that the general comment should draw on other sources as well and, rather than limiting itself to being an academic instrument, guide States parties and individuals in understanding their obligations and rights under the Covenant. While general comments could refer to concluding observations, more care should be taken than when referring to views or other general comments. General comment No. 35, for example, cited far more views than concluding observations, an approach that he believed to be sensible. The title of section B was misleading and could perhaps be amended to "Other issues".

25. **The Chairperson** said that references to concluding observations might have to be removed from the general comment so as to respect the word limit. The draft general comment needed to be adopted, so he invited the Committee to consider it, paragraph by paragraph. Paragraph 2 of the Spanish version should be amended so that it referred to article 6.

26. **Mr. Iwasawa** said that indentation should be used in paragraph 5 to improve clarity.

27. **Mr. Rodríguez-Rescia** said that the idea of positive preventive action by States parties should be included in paragraph 5, or elsewhere in the general comment.

28. **The Chairperson** said that in paragraph 5 (a) (i) of the Spanish version, "*proteger*" should be replaced by "*garantizar*", which would encompass the concept of prevention.

29. **Mr. Bouzid**, supported by **Mr. Shany**, said that article 16 of the Covenant should be included in paragraph 5 (a) (i).

30. **The Chairperson** said that the list of articles in paragraph 5 (a) (i) should be introduced by "for example".

31. **Mr. Rodríguez-Rescia** said that reference to article 16 was made in paragraph 6.

32. **The Chairperson** said that, in that case, paragraph 5 could be left unchanged.

33. **Ms. Pazartzis** asked whether other rules of international law could be included in paragraph 6 (a) (ii).

34. **Sir Nigel Rodley** said that the list of rules was not exclusive and should address the intersection between international human rights legislation and other areas.

35. **Mr. Iwasawa** suggested that the draft comment could contain one section addressing the relationship between article 6 and other articles of the Covenant, and another addressing the relevance of international law to article 6.

36. **Mr. Rodríguez-Rescia** said that paragraph 6 (a) (iv) should read "the legitimate use of lethal force".

37. **Mr. Shany** said that he did not oppose the proposal made by Mr. Rodríguez-Rescia. Paragraph 15 (a) already referred to the division of labour between article 6 and other articles.

38. Following a discussion in which **the Chairperson**, **Sir Nigel Rodley** and she took part, **Ms. Seibert-Fohr** said that the Convention on the Prevention and Punishment of the Crime of Genocide, mentioned in paragraph 8 in relation to article 6, paragraph 2, was important in relation to the whole of article 6.

39. **Mr. Rodríguez-Rescia** suggested that paragraph 11 should refer to interim measures to prevent execution.

40. **The Chairperson** suggested that the rapporteurs might consider whether a violation of interim measures, which had been requested by the Committee, could lead to loss of life.

41. **Sir Nigel Rodley** said that non-respect for interim measures could cause irreparable harm; that had not been made explicit in the draft. As exemplified by a judgement of the Inter-American Court of Human Rights, the Committee should not limit itself to following its own case law.

42. **Mr. Shany** said that the intention had been to address interim measures in paragraph 9 (a) (ii). Nevertheless, a connection would be made between interim measures and commutations and pardons.

43. **Mr. Bouzid** said that paragraph 13 should refer to the protection of all persons from the death penalty.

44. **The Chairperson** said that paragraph 13 referred to article 6, paragraph 5, of the Covenant, which dealt specifically with certain categories of persons; the protection of all persons could be addressed elsewhere.

45. **Mr. Bouzid** said that paragraph 13 included persons with disabilities, who were not addressed by article 6, paragraph 5.

46. **Mr. Shany** said that paragraph 13 did indeed refer to categories of persons not covered by article 6, paragraph 5. The legal obligation to protect them would have to be deduced from elsewhere in the Covenant, but for the purposes of organization, Mr. Bouzid's suggestion could be taken into account when considering special protection for vulnerable persons.

47. **The Chairperson** said that he would leave it to the rapporteurs to decide where to include Mr. Bouzid's suggestion.

48. **Mr. Politi** suggested that "cross-sectoral issues" might be used as the heading for paragraph 15.

49. **Ms. Pazartzis** said that the draft comment should distinguish between general issues and miscellaneous issues, with general issues being listed first.

50. **Mr. Shany** suggested using "cross-cutting issues" as the heading for paragraph 15.

51. **Mr. Iwasawa** and **Mr. Ben Achour** requested an explanation of the term "indicators" in paragraph 15 (o).

52. **Mr. Rodríguez-Rescia** requested clarification of paragraph 15 (f).

53. **Mr. Shany** said that paragraph 15 (f) referred to the application of obligations under article 6 to non-State actors and suggested replacing "including" with "and' to avoid any ambiguity. The reference to indicators related to the invitation to civil society to decide whether indicators were useful in interpreting the Covenant.

54. **Sir Nigel Rodley** said that paragraph 15 (f) referred to States parties' obligations under the Covenant regarding the actions of non-State actors, who did not have any obligations.

55. **Ms. Seibert-Fohr** said that the rapporteurs should be allowed to restructure the draft general comment. For example, the special protection mentioned in paragraph 15 (l) might be covered in paragraph 6, and references to non-refoulement could be moved from paragraph 7 to paragraph 6, given that it could be deemed a protection measure.

56. *Draft general comment No. 36 (CCPR/C/GC/R.36) as a whole, as amended, was adopted.*

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

Implications of the treaty body strengthening process for methods of work

57. **The Chairperson** invited the Secretary of the Committee to report on the impact of the word limit applicable to the annual report.

58. **Ms. Fox** (Secretary of the Committee) said that General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system had imposed a limit of 10,700 words on all treaty body reports, including annual reports. The Committee's Views on communications and follow-up developments could therefore no longer be incorporated in the annual report and it had been proposed that they should be replaced by hyperlinks to the relevant documents. Chapter V of Volume II of the annual report, containing an analytical summary of the Committee's Views under the Optional Protocol, would also be deleted. The Chief of the Petitions and Inquiries Section would shortly inform the Committee about a proposed interim solution.

59. **Mr. Rodríguez-Rescia** said that the Committee ought to be consulted before such administrative and budgetary decisions were taken. It was better qualified to set priorities and make proposals for deletions. The chapter of the annual report containing an analysis of communications was of immense value.

60. **Ms. Edelenbos** (Chief, Petitions and Inquiries Section) said that her Section proposed that the content of the chapter should be issued as a separate official United Nations document, which would be referenced by a hyperlink in the annual report. However, the document would be available in English only.

61. **Mr. Iwasawa** said that the interim solution proposed by the secretariat was not ideal, since the document would be available in only one language, but he nonetheless welcomed the proposal.

62. **The Chairperson** expressed concern about the fact that budgetary issues were frequently resolved by imposing severe restrictions on the Committee's documentation. He requested the Committee's permission to raise the issue of costly translation services at the Meeting of Chairpersons of the Human Rights Treaty Bodies to be held in June 2015. The Chairpersons could perhaps request the High Commissioner to seek access to translation services at a more reasonable rate so that additional resources were available for other requirements.

63. **Sir Nigel Rodley** expressed support for the Chairperson's proposal. He strongly objected to the decision to apply the 10,700-word limit to annual reports. The Division of Conference Management, which was responsible for providing conference services, was severely overstressed and seeking to apply budgetary restrictions in a variety of areas. He wondered to what extent the Division consulted with the secretariat of the Office of the United Nations High Commissioner for Human Rights (OHCHR) when it took such decisions. As translation costs were not treaty-body specific, it was unlikely that a great deal could be achieved by the treaty bodies in that area.

64. **Mr. Muhumuza** asked whether the treaty bodies had been represented when the treaty-body strengthening process had been discussed by the General Assembly.

65. **Sir Nigel Rodley** said that the Co-facilitators of the process, appointed by the President of the General Assembly, had consulted with the treaty bodies at both formal and informal meetings. However, they had engaged in closer and more continuous consultations with OHCHR.

66. The basic principle was that there should be zero growth in the budget. Hence, if a treaty body wished to increase its meeting time, cutbacks were required at some other level. The eventual budget cuts had affected the Division of Conference Management rather than OHCHR. It was unclear, however, to what extent OHCHR had been involved in the decision-making.

A proposal to introduce an expedited process for repetitive communications

67. **The Chairperson** invited Mr. Shany to introduce his proposal for an expedited process for handling repetitive communications.

68. **Mr. Shany** said that his proposal was designed to address the growing backlog of pending communications. The idea was to institute an expedited review process for communications that were very similar to those reviewed in the past. The Committee currently spent a great deal of time ensuring the consistency of Views adopted on repetitive communications, partly because such communications were examined by different rapporteurs under the current system.

69. He proposed that two special rapporteurs should be appointed to handle repetitive communications. The Special Rapporteur on New Communications and Interim Measures would refer the cases to them and they would submit a folder containing draft Views to the Working Group on Communications. If no member of the Working Group wished to remove a case from the expedited track, the folder would be submitted to the plenary.

70. Clearly, the communications would receive less attention than was currently the case. However, the new procedure would ensure greater consistency and would enable the Committee to increase its productivity and serve more victims.

71. **Mr. Seetulsingh** said that new Committee members sometimes adopted a fresh approach to repetitive cases, revealing aspects that had been ignored in the past. He asked whether the secretariat could provide statistics regarding repetitive cases.

72. **Mr. Rodríguez-Rescia** expressed support for the proposal. However, he emphasized the importance, in the interests of due process, of ensuring that all draft Views were discussed and approved in plenary.

73. **The Chairperson** drew attention to Mr. Shany's draft proposal, in which he made it clear that all members the Committee would be entitled to ask for detailed consideration of any case before the plenary.

74. **Mr. Iwasawa** pointed out that the rapporteurs appointed to handle repetitive cases would require the secretariat's assistance. He therefore asked the secretariat whether the resources currently available would be sufficient to implement the proposed new system.

75. **Mr. Ben Achour** said that if a member of the Working Group on Communications challenged the inclusion of a communication in the folder of repetitive cases, there was little prospect of reducing the backlog under the new system. The task of deciding whether a case was repetitive presented major challenges, since no two cases were ever exactly the same.

76. **Ms. Seibert-Fohr** drew attention to the fact that Committee members were performing an increasing number of tasks between sessions. However, she strongly supported the idea of adopting a consolidated approach to the drafting of Views. The drafts could be placed in a separate folder for submission to the plenary following their approval by the Working Group and treated as repetitive cases to be adopted by the end of the session unless a member requested a detailed discussion.

77. **Ms. Cleveland** expressed strong support for Mr. Shany's proposal, which would ensure the consistency of the Committee's jurisprudence. She agreed, however, that new Committee members might wish to develop the jurisprudence and that consolidated Views could serve as models for a series of cases. Cases which were similar in terms of the facts and context but which raised separate issues that were not covered by the pilot Views could be flagged by the rapporteurs handling repetitive communications.

78. **Mr. Bouzid** asked whether the proposed expedited process was in conformity with the Committee's rules of procedure.

79. **Mr. Ben Achour** suggested that the rapporteurs on repetitive communications should sidestep the Working Group and submit their draft Views directly to the plenary.

80. **Ms. Edelenbos** (Chief, Petitions and Inquiries Section) said that the secretariat had no statistics on repetitive cases, especially since the submissions from all parties should be taken into account before any conclusions were drawn.

81. With regard to resources, the proposed procedure would not help the secretariat to prepare more draft Views, but it might give the Committee more time to discuss cases that did not fall into the repetitive category during the session.

82. **Mr. Shany** said that a valid point had been made regarding new members. The launching of the new procedure should therefore be deferred for one or two sessions. He agreed that time would not be saved if members of the Working Group challenged the draft Views on many repetitive cases. The proposed procedure should perhaps be tested for a year and then assessed. The rules of procedure would not be breached if the draft Views on repetitive cases were submitted to the Working Group and the plenary. He agreed that the rapporteurs should submit a folder to the plenary, flagging issues that might require further debate.

The meeting rose at 6.05 p.m.

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Summary record of the 3155th meeting
Held at the Palais Wilson, Geneva, on Monday, 30 March 2015, at 10 a.m.

Chairperson: Mr. Seetulsingh (Vice-Chairperson)

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Follow-up on concluding observations on State party reports

Follow-up on Views under the Optional Protocol to the Covenant

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Mr. Seetulsingh (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.10 a.m.

Follow-up on concluding observations on State party reports

Report of the Special Rapporteur for follow-up on the concluding observations of the Human Rights Committee (113th session, 16 March–2 April 2015) (CCPR/C/113/R.4)

1. **The Chairperson** invited the Special Rapporteur for follow-up on concluding observations to present his report.

2. **Mr. Salvioli** (Special Rapporteur for follow-up on concluding observations) said that the word limit imposed on the follow-up report meant that, although 11 States had been prepared for inclusion, only 10 would be presented.

3. Jordan had been examined in 2010 and had responded to the Committee's concluding observations (CCPR/C/JOR/CO/3) in 2013. As the State party had failed to provide sufficient information in response to the Committee's concerns about the membership, independence and resources of the National Centre for Human Rights, he proposed an evaluation of C1. In response to the Committee's call for an end to the practice of administrative detention, Jordan had stated that measures were being taken to reduce the number of offences falling within the scope of the Crime Prevention Act of 1954 under which administrative detention was applied. While welcoming that step, he proposed an evaluation of C2 because the Committee's request to end the practice altogether had not been met. The Committee also welcomed the introduction of new limitations to the jurisdiction of the State Security Court. In light of that positive step, which nonetheless did not entirely fulfil the Committee's recommendation, he proposed an evaluation of B2. The Committee should send a letter informing the State party of the discontinuation of the follow-up procedure and requesting that additional information be included in the next periodic report.

4. **Mr. Shany**, with reference to the ongoing use of administrative detention in Jordan, asked whether a State party which continued a practice it had specifically been requested to stop should be evaluated as C or E.

5. **The Chairperson**, speaking as a member of the Committee, said that the National Centre for Human Rights in Jordan had been given A status accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). He realized that the State party had not furnished adequate information but wondered whether the Committee's evaluation was not overly rigorous.

6. **Mr. Salvioli** said that the evaluation had been made on the basis of information provided by the State party itself. The Committee often had to determine whether a State which supplied information but failed to implement a recommendation should be evaluated as C or E. Jordan had been given a C because, although it had failed to implement the Committee's recommendation, it had restricted its use of administrative detention. He felt that the evaluation was correct, but if the Committee agreed that an E was more appropriate he would not object.

7. **Ms. Seibert-Fohr** said that the Committee should be ready to use the E evaluation when a State party rejected the Committee's concluding observations, but she did not feel that it was appropriate in the case of Jordan.

8. **The Chairperson**, speaking as a member of the Committee, noted that the chairperson of the National Centre for Human Rights in Jordan had been chairperson for the Asia Pacific Forum of the ICC, which would have been impossible if his own

organization had not satisfied ICC criteria. He believed that a more appropriate evaluation would be B1, on the grounds that action had been taken but additional information was required.

9. **Mr. Salvioli** said that he could agree on the basis of the Chairperson's words but not on the basis of the information provided by the State party.

10. **Ms. Seibert-Fohr** said that one solution would be to merge the three paragraphs being examined into one consolidated evaluation of C1. The response of the State party was not such as to assure the Committee that initial action had been taken.

11. **Ms. Waterval** said that she supported the Chairperson's suggestion.

12. **Mr. Salvioli** proposed adopting the solution suggested by Ms. Seibert-Fohr.

13. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Jordan.

14. *It was so decided.*

15. **Mr. Salvioli** said that Serbia had been examined in 2011. It had responded to the Committee's concluding observations (CCPR/C/SRB/CO/2) in 2012 and again in 2014. Concerning the request for information about events in the Batajnica region, the State party had mentioned the case of a former police commander, Radojko Repanovic, who had been sentenced to 20 years' imprisonment. It had also described a number of changes to the law affecting the Code of Criminal Procedure and the role of the Prosecutor's Office. He was nonetheless suggesting an evaluation of B2 because no information had been provided on a number of other important issues raised by the Committee. The State party's response to concerns about the independence of the judiciary, raised by the Committee in paragraph 17 of its concluding observations, should also be evaluated as B2 because, although a number of new strategies and legislative amendments had been described, it was not possible to assess their impact.

16. With regard to the Roma, concrete steps had been taken, including an Action Plan for 2013–2015 and measures to improve access to education and work. In light of that, he suggested an evaluation of B1. The Committee should send a letter informing the State party of the discontinuation of the follow-up procedure and requesting that additional information be included in the next periodic report.

17. **Mr. Shany** said that the wording of the Committee's evaluation should be amended to read "the sanctions applied to perpetrators, other than Repanovic", since the State party had provided exact information on the *Repanovic* case. He felt that a B2 was perhaps too severe an evaluation for the State party's response to the concerns raised by the Committee in paragraph 17 of its concluding observations, and that B1 would be more appropriate.

18. **Mr. Politi** said that he agreed with Mr. Shany that Serbia had taken substantive action and deserved a B1 evaluation.

19. **Mr. Salvioli** said that he could accept Mr. Shany's recommendation, which would also be a signal to the State party to continue its efforts.

20. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Serbia.

21. *It was so decided.*

22. **Mr. Salvioli** said that Yemen had been examined in 2012 and had responded to the Committee's concluding observations (CCPR/C/YEM/CO/5) in 2013. The Yemeni Government had stated, and NGOs had confirmed, that it was in the process of preparing legislation for the establishment of a national human rights institution. Pending the approval

of that legislation, he suggested an evaluation of B2. The Committee's recommendation to ensure equality between men and women before the law had been rejected by the State party as inconsistent with Islamic principles. He was therefore suggesting an evaluation of E.

23. Yemen had created a ministerial commission to investigate the implication of security forces in cases of extrajudicial executions, forced disappearances and torture, and had completed the internal procedures for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. He proposed an evaluation of B2 because some information requested by the Committee had not been provided and it remained to be seen how the measures described would be applied in practice.

24. The State party had acknowledged that, due to the huge influx of refugees, it had fallen short in its obligations towards them, although it had signed a memorandum of understanding with UNHCR. He suggested dividing the Committee's evaluation, giving the State party a B2 for its cooperation with UNHCR, on which it should provide more information, and an evaluation of D1 for its refugee determination processes and the unlawful detention of migrants. The Committee should send a letter informing the State party of the discontinuation of the follow-up procedure and requesting that additional information be included in the next periodic report.

25. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Yemen.

26. *It was so decided.*

27. **Mr. Salvioli** said that Lithuania had been examined in 2012 and had responded to the Committee's concluding observations (CCPR/C/LTU/CO/3) in 2013. The State party had provided information about anti-discrimination measures in favour of LGBT persons and had reported that homophobic ideas in society were on the decline thanks to awareness-raising campaigns. He suggested an evaluation of C2 for the anti-discrimination measures, because the information provided was very general, and an evaluation of A for the awareness-raising activities.

28. The Committee welcomed the fact that the State party was investigating the case of Mustafa Ahmed al-Hawasawi but wished to know what point that investigation, and other similar investigations, had reached. He therefore suggested an evaluation of B2. The State party had stated that a bill to eliminate administrative detention had been put before parliament, for which he suggested an evaluation of B1 with a request for an update on the status of the bill. With reference to measures taken by the State party to implement alternatives to imprisonment, he suggested an evaluation of B2. A letter should be sent to the State party reflecting the analysis of the Committee.

29. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Lithuania.

30. *It was so decided.*

31. **Mr. Salvioli** said that Germany had been examined in 2012 and had responded to the Committee's concluding observations (CCPR/C/DEU/CO/6) in 2013. He proposed that the State party's decision to suspend the transfer of asylum seekers to Greece be evaluated with an A, while reiterating the recommendation that the suspension be extended if difficult reception conditions persisted. The State party had provided some relevant information about the use of restraint measures on persons with disabilities in residential homes, but had failed to inform the Committee about a specific case which had taken place in Saxony. He therefore suggested an evaluation of B2. A letter should be sent to the State party reflecting the analysis of the Committee.

32. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Germany.

33. *It was so decided.*

34. **Mr. Salvioli** said that the Czech Republic claimed that it had already made great efforts to enhance the mandate and resources of the Public Defender of Rights and was preparing to amend relevant legislation to bring it further into line with the Paris Principles. Pending further information about the effectiveness of that legislation he proposed an evaluation of B2. The State party had responded very fully to the Committee's concerns about racism against the Roma. In particular, the awareness-raising activities it had set in motion merited an evaluation of A. However, not enough details had been forthcoming about strategies aimed at the integration of the Roma or about a specific question concerning a pig farm at a Roma camp in Lety, so he suggested evaluating the State party's response in that regard as B2.

35. The Committee should welcome the considerable amount of training offered to law enforcement officials to help them detect hate and racially motivated crimes by according the evaluation of A. However, updated statistics were required on investigations, prosecutions and sanctions regarding hate crimes, therefore he suggested evaluating that part of the response as B2.

36. On the question of the forced sterilization of Roma women, the State party had taken issue with the term "forced" but had nonetheless made some progress by drafting new legislation and launching criminal proceedings against suspects. He suggested according an evaluation of B2 for the special law establishing a redress mechanism for victims of illegal sterilization. The State party's other efforts, including the 58 criminal trials against suspects of illegal sterilization, where the Committee had been left in doubt as to how many had resulted in a conviction, should be evaluated as C1.

37. The State party should be accorded an A evaluation for its implementation of a new Civil Code, which regulated the legal capacity of persons with disabilities. A letter should be sent to the State party reflecting the analysis of the Committee.

38. **The Chairperson** noted that the Public Defender of Rights was not yet accredited with the ICC.

39. **Mr. Shany** suggested that the fact that the Czech Republic had instituted 58 criminal trials against suspects of illegal sterilization, even if they had resulted in few convictions, should be accorded a B2 evaluation.

40. **Mr. Salvioli** said that it was important to remember how serious an issue forced sterilization was; however the evaluation could be changed to B2 to acknowledge the fact that the State party had made some efforts.

41. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Czech Republic.

42. *It was so decided.*

43. **Mr. Salvioli**, turning to the Committee's concluding observations on Finland (CCPR/C/FIN/CO/6), said that in response to the recommendation in paragraph 10, the State party had prepared a draft law on the detention of asylum seekers and migrants and had increased the budget allocation for detention facilities. A rating of B2 was therefore proposed. He proposed a C2 rating for the scant information that had been provided regarding the Metsälä detention centre.

44. In response to paragraph 11, the State party had replied that a four-day time limit to bring arrested persons before a court was in accordance with the jurisdiction of the

European Court of Human Rights. Given the lack of compliance with the Covenant in that regard, a rating of C1 was proposed. A rating of C1 was also proposed concerning guarantees on the right to a lawyer from the moment of apprehension since further information was required.

45. Responding to the Committee's recommendations in paragraph 16, the State party had prepared a draft law to improve the rights of the Sámi people, particularly regarding the functioning of the Sámi Parliament and the participation of the Sámi people in decision-making. Additionally, it had formulated an action plan on education in the Sámi language. He proposed a B2 rating for both replies and a letter would be sent to the State party reflecting the Committee's analysis.

46. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Finland.

47. *It was so decided.*

48. Regarding the Committee's concluding observations on Mauritania (CCPR/C/MRT/CO/1), **Mr. Salvioli** proposed a rating of B2 for the State party's reply in paragraph 5 to the effect that the legal international human rights instruments to which it was a party would be published, as it constituted a public commitment.

49. With regard to paragraph 14, a rating of C1 was proposed, as the State party had not implemented the recommendation to define torture in the Criminal Code and NGOs had reported a lack of progress. A draft law to prevent torture had, however, been formulated. Since the recommendation to independently investigate acts of torture by members of the police or security forces had not been implemented and NGOs had reported the absence of an independent authority, a rating of C2 was proposed in that regard. Both the State party and NGOs reported that training was provided for law enforcement personnel and a rating of B2 was therefore proposed. A rating of B1 was proposed regarding the need to guarantee regular access to all places of deprivation of liberty, since the State party and NGO reports concurred that the National Human Rights Commission and some NGOs had access to detention centres. Lastly, for the State party's indication that a draft law regarding the establishment of a national preventive mechanism had been prepared, a rating of B2 was proposed.

50. Turning to paragraph 17 regarding legislation on slavery, the State party had provided sparse information regarding remedies for victims and NGOs had reported only one conviction and insufficient penalties for slavery. A rating of C1 was thus proposed. A rating of B1 was proposed for the implementation of the recommendation to adopt a road map for the eradication of slavery. He proposed B1 for the State party's launching of awareness-raising campaigns concerning slavery.

51. In paragraph 19 the Committee had recommended measures to improve prison conditions and reduce overcrowding. He proposed a rating of B2 for the replies to both recommendations, in view of the fact that NGOs continued to report overcrowding in prisons and further information was required on concrete measures taken. A letter would be sent to the State party reflecting the Committee's analysis.

52. **The Chairperson**, supported by **Ms. Seibert-Fohr** and **Mr. Bouzid**, said that the Committee should emphasize to the State party in paragraph 5 that not only the treaties themselves, but also the Acts ratifying the human rights treaties and conventions should be published in the State party.

53. **Mr. Salvioli** said he fully supported that notion.

54. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Mauritania.

55. *It was so decided.*

56. **Mr. Salvioli**, referring to paragraph 7 of the concluding observations for Uruguay (CCPR/C/URY/CO/5), said that the State party had referred to the elections held in 2014 to account for the lack of human resources allocated to the National Human Rights Institution and a rating of C2 was therefore proposed. A rating of B2 was proposed for the reply concerning resources earmarked for the national preventive mechanism, since further information was needed. Furthermore, NGOs had also expressed concern about the independence of the institution and a lack of funding that jeopardized the monitoring of visits to juvenile detention centres. A rating of A was proposed for the application of the National Human Rights Institution for accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

57. Paragraph 8 dealt with the endemic problem of the alignment of the Code of Criminal Procedures with international standards. While the State party had reported the drafting of amendments concerning detention procedures and restrictions on the freedom of accused persons, NGOs had indicated that those amendments were insufficient and the reply was thus rated C1.

58. In paragraph 19, the Committee had underscored the fact that amnesties were in general incompatible with States' obligations to investigate acts of torture. The State party had replied that, under a Supreme Court declaration, a statute of limitations could be applied to crimes committed during the military dictatorship and a rating of C2 was thus proposed. A letter would be sent to the State party reflecting the Committee's analysis.

59. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Uruguay.

60. *It was so decided.*

61. **Ms. Seibert-Fohr**, with regard to the concluding observations for Indonesia (CCPR/C/IDN/CO/1), said that in its reply to paragraph 8 the State party had indicated that meetings would be convened between Komnas HAM and the Attorney General in order to resolve disagreements on the evidentiary threshold required to initiate investigations. A rating of B2 was proposed since information on the outcome of those meetings remained unknown. A rating of C1 was proposed with reference to the lack of information concerning the establishment of a court to investigate cases of enforced disappearance between 1997 and 1998 and to provide adequate redress to victims.

62. A rating of E was proposed in the light of the recent executions of prisoners convicted for drug-related crimes, which ran counter to the Committee's recommendation in paragraph 10 to reinstate the de facto moratorium on the death penalty.

63. By repealing a regulation under the Ministry of Health authorizing the performance of female genital mutilation by medical practitioners, the State party had taken substantive action in response to the Committee's recommendation in paragraph 12. Further details were required on the awareness-raising initiatives in that respect and B1 was therefore proposed.

64. In its reply to paragraph 25, in which the Committee had pointed out that the law on defamation of religion was inconsistent with the Covenant, the State party had referred to the final decision of the Constitutional Court upholding the ruling that the law could not be revoked as it was enshrined in the Criminal Code. A C1 rating was therefore proposed and the recommendation to repeal the law was reiterated. A letter would be sent to the State party reflecting the Committee's analysis.

65. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Indonesia.

66. *It was so decided.*

The meeting was suspended at 11.40 a.m. and resumed at 11.55 a.m.

Follow-up on Views under the Optional Protocol to the Covenant

Progress report of the Special Rapporteur for follow-up on Views (CCPR/C/113/R.3)

67. **Mr. Iwasawa** (Special Rapporteur for follow-up on Views) recalled that the report of the Special Rapporteur for follow-up on Views was subject to a 10,700 word limit and that the list of cases would be annexed to that same report at the end of the session. At its 109th session the Committee had decided to employ the same criteria for concluding observations and for Views on communications on an experimental basis. In some cases, the use of the same criteria was not wholly suitable. For example, the failure of a State party to provide sufficient information entailed a D1 rating within the context of concluding observations, signifying a lack of cooperation. The same rating was not applied for Views on communications, however, because the failure to supply information did not necessarily imply a lack of cooperation, particularly with regard to the publication of Views and the guarantee of non-repetition. Instead, a mention of "no information" was made. Lastly, the progress report of the Special Rapporteur for follow-up on Views would henceforth be submitted twice yearly.

68. **Mr. Ben Achour** asked why in some cases previous follow-up information was indicated with a reference to the relevant document, but not for others. He wondered whether the criteria for the assessment of replies had been transmitted to States parties.

69. **Mr. Iwasawa** said that where a case was ongoing and previous follow-up information was available a reference was included in the report to the relevant document because the reproduction of all such information in the report itself was precluded by the word limit. While the table of criteria for the assessment of States parties' replies had not in itself been forwarded to the States parties, it was contained in public documents that were available to States parties.

70. Referring to case No. 1885/2009 (*Horvath v. Australia*), he said that the State of Victoria had apologized and provided reparation to the victim who had been subjected to acts of torture by the police in that State, and a rating of A was therefore proposed for effective remedy. The author's counsel had reported that the victim was grateful for the reparation but that it did not cover her legal costs, and had requested a review of national legislation to prevent subsequent violations. A B1 rating was proposed with respect to the legislative review; a mention of "no information" was made with regard to the publication of Views, and a B1 rating was proposed regarding the guarantee of non-repetition.

71. **The Chairperson** suggested that a summary of the communications should be included in the report in order to contextualize the cases for members who were not acquainted with them.

72. **Mr. Ben Achour** proposed upgrading the legislative review rating from B1 to A, since the legislation that had given rise to the original complaint had been duly amended. The B1 rating for non-repetition was somewhat harsh and should also be raised to A.

73. **Mr. Rodríguez-Rescia** said that he agreed with the Special Rapporteur's proposal to award only a B1 rating to the State party's efforts to review its legislation, inasmuch as the amended law established only the subsidiary responsibility of the State. The A rating for effective remedy was rather generous, given that the author had contested the amount of the compensation awarded. With regard to the publication of Views, the fact that the State party had provided no information in that regard should be reflected in a D1 rating. He

endorsed the Special Rapporteur's B1 rating for non-repetition because there was still some uncertainty about how the amended law would be applied in the future.

74. **Mr. Iwasawa** said he had given a B1 rating for legislative review pending a response from the State party to the author's call for it to review its laws across its federal territory. However, he would be prepared to upgrade the rating to A if the Committee so wished. With regard to compensation, the Committee should not become involved in questions relating to the actual sums awarded. As to the publication of Views, a D1 rating was not warranted, since that might suggest that the State party was acting in bad faith, which was not the case.

75. **Mr. Ben Achour** said that, while the Committee should take a firm stance with States parties that adopted a cavalier approach towards their obligations, it should, as a matter of general policy, seek to encourage those States that cooperated with it.

76. **The Chairperson** said that he took it that the Committee wished to adopt the proposals made by the Special Rapporteur, as amended to take account of the upward revision of the legislative review rating.

77. *It was so decided.*

78. **Mr. Iwasawa**, referring to case No. 1454/2006 (*Lederbauer v. Austria*), said that the State party had informed the Committee that it had published its Views in both English and German on the website of the Austrian Federal Chancellery. The Austrian legal protection mechanism had been reorganized with effect from 1 January 2014 in order to bring it fully into line with international standards. According to the State party, the author had met senior Government representatives on several occasions to discuss compensation, but no friendly settlement had been reached in view of the author's excessive claims. In terms of the Committee's assessment, he proposed a B1 rating for effective remedy, an A rating for legislative review, an A rating for non-repetition and an A rating for the publication of Views.

79. **Mr. Ben Achour** said that the State party appeared to have made appropriate efforts to provide adequate compensation to the author, whose claim in that regard seemed exorbitant. He therefore proposed that the B1 rating for effective remedy should be upgraded to an A rating.

80. **Mr. Iwasawa** said that, while he took Mr. Ben Achour's point, he was reluctant to change the rating, since in the case under discussion, unlike in the previous case concerning Australia, no compensation had been awarded.

81. **Sir Nigel Rodley** said that, as the Committee did not know how much compensation had been offered by the State party, it was not unreasonable for it to request information in that regard.

82. **The Chairperson** said that he took it that the Committee wished to adopt the proposals made by the Special Rapporteur regarding case No. 1454/2006.

83. *It was so decided.*

84. **Mr. Iwasawa**, referring to case No. 1633/2007 (*Avadanov v. Azerbaijan*), said that the author had informed the Committee that his case remained unanswered. The author's submissions had been transmitted to the State party. He proposed that the Committee should consider the follow-up dialogue to be ongoing.

85. **Mr. Ben Achour** wondered what further action the Committee might reasonably expect from the State party, in view of the period of time that had already elapsed since its Views had been adopted in 2011.

86. **Sir Nigel Rodley** said that, in order to elicit some cooperation from the State party, the Committee should do more than simply transmit the author's response to the authorities.

87. **Mr. Rodríguez-Rescia** said that the Committee should assign a D2 rating to States parties that did not respond to requests for information; not assessing the State party's follow-up in such cases was tantamount to rewarding States for inaction.

88. **Mr. Iwasawa** said that the agreed methodology was to assess States parties on the basis of responses received. Reminders were usually sent to States that failed to respond to requests for information, but in view of the lack of secretariat resources it was not always possible to do that in a timely fashion. In the present case, a reminder should be sent before further evaluating the State party's follow-up action.

89. **Ms. Cleveland** asked whether it would be possible to assign a D1 rating in respect of non-cooperation with the Committee.

90. **Ms. Hadjoudj** (Secretariat) said that the State party had responded to the Views of the Committee in a submission dated 26 July 2013. The Committee had assigned a C2 rating to that response. No response had been received from the State party to the author's 2014 submissions.

91. **Ms. Cleveland**, supported by **Mr. Politi**, said that the information provided by the secretariat supported the case for awarding a rating in the present case.

92. **Sir Nigel Rodley** said that, if it had not been made clear to the State party what follow-up was required to its 2013 submission, the Committee should perhaps first indicate what was expected of the State party before taking any further action.

93. **Mr. Iwasawa** agreed that it would be appropriate to send a reminder at the present juncture.

94. **The Chairperson** said that he took it that the Committee wished to adopt the proposals made by the Special Rapporteur regarding case No. 1633/2007.

95. *It was so decided.*

96. **Mr. Iwasawa** said that, in *Prutina et al. v. Bosnia and Herzegovina* (cases Nos. 1917/2009, 1918/2009, 1925/2009 and 1953/2010), the authors had informed the Committee that the State party authorities had yet to implement the remedy recommended by the Committee. While the authors had expressed satisfaction at the ongoing prosecution of one defendant, they remained concerned about the State party's lack of capacity to deal with complex criminal cases in a timely manner. They further considered that the Committee's recommendations concerning legislative amendments had not yet been implemented. To date, no compensation had been awarded to the authors. The authors' submission had been transmitted to the State party on 27 October 2014. He proposed that the Committee should consider the follow-up dialogue to be ongoing.

97. In case No. 1955/2010 (*Al Gertani v. Bosnia and Herzegovina*), the State party had informed the Committee that the author could still challenge the decision of the Administrative Dispute Chamber of 7 March 2011 ordering his expulsion. It had further stated that the author was allowed limited movement within the town of Banoviči and had to report in person to the local police station three days per week. In a submission dated 14 July 2014, the author had stated that he had exhausted all available remedies, including appeals before the Constitutional Court. The author's submission had been transmitted to the State party on 23 October 2014. In terms of the Committee's assessment, he proposed a C1 rating for effective remedy; a B1 rating for release; a C1 rating for full reconsideration of the reasons for removal to Iraq; an A rating for the publication of Views; and a C1 rating for non-repetition. He further proposed that the Committee should consider the follow-up dialogue to be ongoing.

98. In case No. 1997/2010 (*Rizvanović v. Bosnia and Herzegovina*), the State party had informed the Committee that the Missing Persons Institute had provided information to 71 individuals about the measures taken to find their missing family members. It had also described the steps taken to establish a fund to support the families of missing persons and to expedite the tracing of missing persons. In a submission dated 16 October 2014, the author's counsel had stated that the fate and whereabouts of the author's husband remained unknown and that the support fund for the families of missing persons had yet to be established. In a submission dated 4 December 2014, the State party had indicated that the Missing Persons Institute had been unable to trace the author's husband. The Prosecutor of the Special Department for War Crimes had opened a case into his disappearance in July 2014. In terms of the Committee's assessment, he proposed a B2 rating for State party's efforts to establish the fate or whereabouts of the author's relative; a B2 rating for its efforts to bring to justice those responsible by the end of 2015; a B1 rating for abolishing the obligation for family members to declare their missing relatives dead to benefit from social allowances; a C1 rating for ensuring adequate compensation; an A rating for the publication of Views; and a C1 rating for non-repetition. He further proposed that the Committee should consider the follow-up dialogue to be ongoing.

99. **Mr. Shany**, referring to *Al Gertani v. Bosnia and Herzegovina*, asked the Special Rapporteur to explain why, given that the author had been released from detention, only a B1 rating had been assigned in that regard. In *Rizvanović*, he would like to know on what basis the B1 rating had been awarded in respect of the abolition of the obligation for family members to declare their missing relatives dead in order to benefit from social allowances, since there appeared to be no reference to that matter in the State party's submission.

100. **Mr. de Frouville**, referring to the *Rizvanović* case, said that the B1 rating referred to by Mr. Shany should be reconsidered in view of the lack of information from the State party on the issue of social allowances.

101. **Mr. Ben Achour** said that the B2 ratings for the State party's efforts to establish the fate of the author's relative and to bring to justice those responsible for his disappearance should be upgraded to B1.

102. **Mr. Iwasawa**, referring to *Al Gertani*, said he was happy for the B1 rating regarding the author's release to be revised upwards to A. With regard to *Rizvanović*, he was prepared to upgrade the B2 ratings mentioned by Mr. Ben Achour. He asked the secretariat to clarify the situation regarding entitlements to social allowances for family members of disappeared persons.

103. **Ms. Hadjoudj** (Secretariat) said that the assessment regarding the legislation on social allowances had been made on the basis of relevant information provided to the Committee by the State party in other related cases.

104. **Mr. Iwasawa** said that he wished to maintain the B1 rating with respect to that issue.

105. **The Chairperson** said that he took it that the Committee wished to adopt the Special Rapporteur's proposals, as amended, regarding the three cases concerning Bosnia and Herzegovina.

106. *It was so decided.*

107. **Mr. Iwasawa** said that in case No. 1353/2005 (*Afuson v. Cameroon*) the author's counsel had informed the Committee that the State party had failed to meet its obligation to promptly and effectively investigate, prosecute and convict those responsible for the violations. According to the counsel, the compensation offered by the State party was not in accordance with the damages suffered by the victim. The counsel's submission had been transmitted to the State party on 2 December 2014. He proposed that the Committee should consider the follow-up dialogue to be ongoing. In case No. 1813/2008 (*Akwanga v.*

Cameroon), the author's counsel had informed the Committee that the State party was not implementing the Committee's views in good faith, had not dealt with the compensation claim and had not started a proper criminal investigation. The counsel's submission had been transmitted to the State party on 14 October 2014. He proposed that the Committee should consider the follow-up dialogue to be ongoing.

108. **Mr. Rodríguez-Rescia** said that he was surprised that no assessment had been made of the State party's follow-up in the light of information received indicating that it had failed to act on the Committee's recommendations. There was a need to review the Committee's methodology in that regard, since it was difficult to understand the rationale of the current practice, whereby States that took follow-up action were assessed while others that did not take such action were not assessed.

109. **Mr. Iwasawa** said that he had been reluctant to give the State party a low assessment because it had taken steps to cooperate with the Committee through, among other things, a meeting with the Special Rapporteur to discuss the issue of compensation. He agreed that it would be valuable to discuss methodology at a future date.

110. **The Chairperson**, speaking in his capacity as a member of the Committee, said that it would useful to consider methodology in the context of the paper on remedies. He took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to the two cases concerning Cameroon.

111. *It was so decided.*

The meeting rose at 1.05 p.m.

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Summary record (partial)* of the 3156th meeting
Held at the Palais Wilson, Geneva, on Monday, 30 March 2015, at 3 p.m.

Chairperson: Mr. Seetulsingh (Vice-Chairperson)

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Follow-up to Views under the Optional Protocol to the Covenant (*continued*)

* No summary record was prepared for the rest of the meeting.

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In the absence of Mr. Salvioli, Mr. Seetulsingh (Vice-Chairperson) took the Chair.

The meeting was called to order at 3.05 p.m.

Follow-up to Views under the Optional Protocol to the Covenant (*continued*)

Follow-up progress report on individual communications (continued) (CCPR/C/113/R.3)

1. **The Chairperson**, pointing out that designating dialogues as ongoing implied the possibility of having to discuss the same case on more than one occasion, suggested that the Committee should consider waiting until the dialogue was over before issuing an assessment. He invited the Special Rapporteur on follow-up to Views to resume the presentation of the follow-up progress report.

2. With regard to case No. 1611/2007 (*Bonilla Lerma v. Colombia*), **Mr. Iwasawa** (Special Rapporteur on follow-up to Views) said that the author had been informed that the Intersectoral Standing Commission on Human Rights and International Humanitarian Law would notify the Committee when a decision had been reached regarding his compensation. Accordingly, the Committee should assign the rating of C1 for both the remedy and non-repetition and the mention of "no information" regarding the publication of the Views and should conclude that the dialogue was ongoing.

3. **The Chairperson** said he took it that the Committee wished to adopt the assessment and decision in case No. 1611/2007.

4. *It was so decided.*

5. **Mr. Iwasawa** said that there had been a positive outcome in case No. 2007/2010 (*X. v. Denmark*), as the refugee appeals board had granted the author a residence permit and the Committee's Views had been published on the Ministry of Foreign Affair's website. Therefore, the State party should receive an A rating for both effective remedy and publication of the Views but a mention of "no information" with regard to non-repetition. A reminder should be sent to the author to confirm receipt of the permit, pending which the dialogue should be considered as ongoing.

6. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur regarding case No. 2007/2010.

7. *It was so decided.*

8. **Mr. Iwasawa** said that the Committee should conclude that the dialogue was ongoing in cases No. 1620/2007 (*J.O. v. France*), No. 1760/2008 (*Cochet v. France*) and No. 1928/2010 (*Mann Singh v. France*) because the Committee was seeking a meeting with a representative of the State party to discuss its failure to implement the Views. However, given the State party's rather clear stance, he also suggested that, once the meeting had taken place, the Committee should suspend the follow-up procedure.

9. **Mr. Shany**, referring to case No. 1928/2010 (*Mann Singh v. France*), asked why the State party did not receive an E in the assessment since it had made clear that it would not comply.

10. **Mr. Iwasawa** replied that E was not the appropriate rating because refusal did not constitute going against the recommendations of the Committee.

11. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposals with regard to all three of the cases against France.

12. *It was so decided.*

13. Turning to case No. 2024/2011 (*Israil v. Kazakhstan*), **Mr. Iwasawa** said that the embassy of Kazakhstan in China had reported that the author had been released from jail. Nevertheless, the Committee's assessment should be C1 in respect of compensation and B2 in respect of effective measures for the monitoring of the author's situation, while the mention "no information" should be applied to the publication of the Views and non-repetition. In addition, the standard line regarding the Committee's decision that the dialogue was ongoing should be inserted after the assessment.

14. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposals, as amended, regarding case No. 2024/2011.

15. *It was so decided.*

16. Concerning case No. 2104/2011 (*Valetov v. Kazakhstan*), **Mr. Iwasawa** said that, although representatives of the embassy of Kazakhstan in Kyrgyzstan had visited the author, he had been prevented from filing a complaint regarding his extradition to Kyrgyzstan. That fact had been submitted to the State party; therefore, the Committee should conclude that the dialogue was ongoing and should apply a C1 rating to compensation and a B2 rating to effective measures for the monitoring of the author's situation. No information had been received on either the publication of the Views or non-repetition.

17. **The Chairperson** said he took it that the Committee wished to adopt the assessment and decision in case No. 2104/2011.

18. *It was so decided.*

19. **Mr. Iwasawa** said that, in case No. 2155/2012 (*Paksas v. Lithuania*), the Committee's Views had been posted to the website of the agent of the Lithuanian Government before the European court of Human Rights; that the parliament of Lithuania had established an ad hoc commission on the restoration of President Rolandas Paksas' civil and political rights; and that a bill containing amendments to the Constitution regarding inter alia the conditions to run for parliament was under discussion. Accordingly, the Committee's assessment should be of B2 for revision of the life-long prohibition on the author's right to stand for office and non-repetition and A for publication of the Views. Moreover, the dialogue should be considered as ongoing.

20. **Mr. Rodríguez-Rescia** said that, given that the amendments had yet to be adopted, C1 would be a more accurate assessment than B2.

21. **Mr. Iwasawa** replied that the fact that the amendment process was under way was enough to warrant a B2 rating.

22. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposals in respect of case No. 2155/2012.

23. *It was so decided.*

24. Taking cases No. 1469/2006 (*Sharma v. Nepal*), No. 1761/2008 (*Giri v. Nepal*), No. 1863/2009 (*Maharjan v. Nepal*) and No. 1865/2009 (*Sedhai v. Nepal*) as a group, **Mr. Iwasawa** said that the adoption of the Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act had considerably weakened the possibility of implementing the Committee's Views. The Committee was awaiting the State party's submission in all four cases; therefore, it should conclude that the dialogue was ongoing.

25. **The Chairperson** said he took it that the Committee wished to adopt the decision proposed by the Special Rapporteur in relation to all four cases against Nepal.

26. *It was so decided.*

27. **Mr. Iwasawa** said that the author's name should be replaced by the letter X in case No. 1908/2009 (*X. v. Republic of Korea*). The Committee's Views had been published in the Official Gazette, along with their Korean translation; the deportation order against the author had been revoked and he had been granted a visa to remain in the country. The State party should receive an A rating for both effective remedy and publication of the Views but a "no information" mention with regard to non-repetition. The dialogue should be considered as ongoing, pending confirmation by the author that he had received a residence permit on humanitarian grounds.

28. **The Chairperson** said he took it that the Committee wished to adopt the assessment and decision in case No. 1908/2009.

29. *It was so decided.*

30. **Mr. Iwasawa** said that, in case No. 1304/2004 (*Khoroshenko v. the Russian Federation*), no measures had been taken to provide the victim with an effective remedy; therefore, a reminder had been sent to the State party to submit its observations and the dialogue was considered as ongoing.

31. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposals with regard to case No. 1304/2004.

32. *It was so decided.*

33. Regarding case No. 2008/2010 (*Aarrass v. Spain*), **Mr. Iwasawa** said that the Committee had received a submission from the author's counsel expressing concern for the author's safety and including two articles that had appeared in the Moroccan press denying the author's allegations of torture. The submission had been transmitted to the State party and the dialogue was ongoing.

34. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to case No. 2008/2010.

35. *It was so decided.*

36. **Mr. Iwasawa** said that the dialogue was ongoing in case No. 1887/2009 (*Peirano Basso v. Uruguay*), in which the author alleged that the suspension of his licence to practise law violated the presumption of innocence and that his trial had been unduly delayed.

37. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposed decision with regard to case No. 1887/2009.

38. *It was so decided.*

39. **Mr. Iwasawa**, referring to case No. 1769/2008 (*Ismailov v. Uzbekistan*), said that the Committee had received a number of submissions from the State party, in which it had reported that the Supreme Court had not found any grounds to revise the decision of the Military Court, that the author's husband was in satisfactory condition and that he had not filed any complaints with the department of corrections. Retrial or release, appropriate reparation and non-repetition should all receive a C1 rating, while publication of the Views should be given a "no information" mention. The dialogue should be considered as ongoing.

40. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to case No. 1769/2008.

41. *It was so decided.*

42. Turning to cases Nos. 1914/2009, 1915/2009 and 1916/2009 (*Musaev v. Uzbekistan*), **Mr. Iwasawa** said that, according to the State party's submission, the author's son had received adequate medical attention while in detention, was in satisfactory condition, had been permitted to see relatives and had never requested a lawyer. He suggested a C1 rating

in respect of the investigation and non-repetition; a C2 rating regarding retrial or release and full reparation; and a "no information" mention for the publication of the Views. The dialogue was ongoing.

43. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposals regarding cases Nos. 1914/2009, 1915/2009 and 1916/2009.

44. **Mr. Iwasawa** said that the final paragraph of the draft would be recast to reflect the fact that meetings with the representatives of Bosnia and Herzegovina and France would be postponed until July 2015.

45. *The follow-up report on individual communications (CCPR/C/113/R.3), as a whole, was adopted, subject to editorial amendments.*

The discussion covered in the summary record ended at 3.30 p.m.